

## **Family Member Eligibility for Noncompetitive Appointment Under Executive Order 12721**

CPAC FACTS # 12 As of June 30, 1999

### **Eligibility**

According to Executive Order (EO) 12721, former overseas employees meeting the following eligibility requirements can apply for noncompetitive appointment to positions in the United States. Employees must:

- (1) Have been appointed to an overseas position(s) under local hire appointment procedures.
- (2) Have accumulated 52 weeks of creditable (e.g., permanent, term or temp) overseas service in an appropriated fund position.
- (3) Have received a satisfactory or better performance rating for the period or periods of creditable overseas service (2 above).
- (4) Have been a family member of an appropriate sponsor (a Federal civilian employee, a Federal nonappropriated fund employee, or a member of a uniformed service) while serving in the overseas area.
- (5) Have accompanied the sponsor on official assignment to an overseas post of duty while serving in the overseas position.
- (6) Be a citizen of the United States or owe permanent allegiance to the United States.
- (7) Meet the qualifications requirements for the position for which applying.
- (8) Be appointed within 3 years following the date of return to the United States from overseas to resume residency or until March 31, 1998, whichever date is later.

### **Waiver of 52 Week Requirement**

The Office of the Assistant Secretary of Defense has the authority to waive up to 26 weeks of the 52-week service requirement when a nonpersonal situation necessitated the relocation of the family member from the overseas area. The waiver certification must include the number of weeks waived. A nonpersonal situation includes disaster, conflict, terrorism or the threat of terrorism, and those situations when a family member is forced to return to the United States because of military deployment, drawdowns, or other management-initiated actions. A nonpersonal situation does not include circumstances that specifically relate to a particular individual, for example, ill health or personal interest in relocating.

Requests for waivers must be submitted through the Civilian Personnel Advisory Center (CPAC) Chief to Headquarters United States Army Europe, Civilian Personnel Directorate (CPD). The CPAC chief will decide if the request warrants forwarding to CPD. CPD will only forward requests that meet waiver criteria to Department of the Army for consideration at the DOD level.

## **Extension of Eligibility for EO Appointment**

Agencies may extend the 3 year eligibility period for appointment using EO eligibility beyond 3 years for periods equivalent to:

- (1) the time the individual was accompanying a sponsor on official assignment to an area of the United States with no significant opportunity for Federal employment; or
- (2) the time an individual was incapacitated for employment.

## **Eligibility for Registration in the Priority Placement Program**

Family members (FMs) eligible for EO 12721 are eligible for registration in the DoD Priority Placement Program (PPP) for automatic referral to DoD activities within the commuting area of the sponsor's new assignment. FMs will be registered in Program "A" or Program "S" (for those who are eligible for military spouse preference) as Priority 3 candidates.

The period of registration for FMs in Program "A" is limited to one year from the date of registration or until they are placed or decline a valid offer, whichever occurs first. Actual registration in Program "A" may not occur until after returning to the United States. The area of referral is limited to the commuting area of the sponsor's new assignment; the sponsor's retirement or other authorized destination; or the family member's place of actual residence, if the sponsor is on an unaccompanied tour.

Registration in Program "S" for FMs eligible for military spouse preference may be accomplished at the overseas CPAC up to 30 days prior to the military sponsor's reporting date at the new location or upon arrival at any stateside CPAC in the commuting area of the sponsor's new duty station. The registration period is without time limit except that FMs seeking spouse preference, but have less than 6 months time remaining in the geographic area may be nonselected for permanent continuing positions. The area of referral is limited to the commuting area of the sponsor's new assignment in the United States. FM's are not eligible for registration in Program "S" if their sponsor relocates in conjunction with retirement or separation.

FM employees who wish to register for PPP must visit their overseas servicing CPAC for information on registering in PPP.

## **Proof of Executive Order Eligibility**

The CPAC must provide the employee with documentation of their eligibility for noncompetitive placement using provisions of the Executive Order. The CPAC or Civilian Personnel Operations Center (CPOC), as appropriate, shall provide the following:

- (1) DA form 5433-R, Verification of Overseas Employment for Noncompetitive Appointment Under EO 12362, (subsequently changed to 12721) or Letter of Eligibility for Executive Order.
- (2) SF 75, Request for Preliminary Employment Data.
- (3) If registering in PPP, a partially completed Registration Form.
- (4) If requesting Leave Without Pay (LWOP), SF 50 documenting LWOP.

Employees should contact the overseas servicing CPAC for counseling and to request preparation of needed documents at least 30 days before their last day of work in the overseas area.

## **How to Apply**

When an EO eligible family member is registered in PPP, then, (s)he must hand carry the registration form, the SF 75 and the DA Form 5433-R or letter of EO eligibility and their SF 50 to the U.S. registering activity in the Continental United States.

Although family members eligible for the EO may enroll in the PPP program, they may also seek employment in any agency in the Executive Branch of the Federal government. This appointing authority is not limited to DOD. Other agencies may use this noncompetitive hiring authority to fill vacancies. Eligible applicants may apply in person at any Federal personnel office, or they may apply for specific vacancy announcements found in agency job listings. Many agencies have websites where vacancies are posted. Additionally, all Federal Executive agencies are required to list vacancies for which they are recruiting with the Office of Personnel Management (OPM). Government-wide vacancies may be accessed at OPM's website: [usajobs@opm.gov](mailto:usajobs@opm.gov). A list of Federal agencies in the Executive Branch may be found at website: [www.lib.lsu.edu/gov/fedgov.html#exec](http://www.lib.lsu.edu/gov/fedgov.html#exec).

Family members who are not eligible under EO 12721 and have no other eligibility for appointment must apply as external candidates. Vacancy announcements for external candidates may be viewed at the OPM website referenced above. This website includes vacancies advertised by OPM service centers and agency delegated examining units. Family members applying as external candidates must follow application procedures in the vacancy announcement.

## **What Is Needed To Apply**

Not every office will require all the documents listed here, but employees must have them if requested. Family members should carry these documents with them when traveling. These documents should not be packed in household goods or luggage. They must be immediately available when applying for positions using EO eligibility.

- a. Current resume or other application form.
- b. Military or civilian travel orders used to bring family member to the overseas area and the orders used to return individual to the United States (if applicable).
- c. Performance appraisals covering the 52 weeks of service that employee claims under EO 12721 and the employee's most recent performance appraisal.
- d. Copies of SF 50, Notification of Personnel Action, showing your appointment(s) in the overseas area and most recent SF 50.
- e. Most recent Civilian Leave and Earnings Statement.
- f. DA Form 5433-R, Verification of Overseas Employment for Noncompetitive Appointment Under EO 12362 (subsequently changed to 12721) or a letter of eligibility for Executive Order 12721.
- g. SF 75. This form provides an overview of the employee's official personnel folder.
- h. If applicable, copy of the signed document that approves waiver of part of the 52 weeks service requirement.

## **Official Personnel Folders**

The CPOC maintains the Official Personnel Folder (OPF) for 90 days after an employee resigns or is terminated from overseas employment. Because the OPF is government property, employees may not take it with them when they return to the United States. If a personnel office in the United States does not request the OPF during the 90-day period, it is sent to the National Federal Records Center in St Louis, Missouri. OPFs are kept at the National Records Center until a personnel office in the United States processes a person for employment and requests the OPF.

## **Frequently Asked Questions**

### **Q1: May I apply under EO 12721 to any Federal agency?**

**A:** No. Executive Order privileges may be used when applying to agencies in the Executive Branch of the Federal Government. The agencies must be in the United States (includes Guam, Puerto Rico, and the Virgin Islands) and the application must be for competitive service positions.

### **Q2: Did I acquire competitive status when I was locally hired overseas?**

**A:** No. As a local family member hire you do not acquire competitive status because you only compete with other candidates in the local area. Individuals hired on family member appointments do not compete through normal competitive procedures required for status appointments in the Federal service. Appointments through Delegated Examining Unit (DEU) procedures, however, are in the Federal competitive service.

**Q3: Do I have reinstatement eligibility for Federal service jobs in the United States?**

**A:** No. You do not have reinstatement eligibility because you do not have competitive status. If you meet the requirements of EO 12721, you may be appointed to Federal service in the United States without having to compete through Office of Personnel Management (OPM) or agency DEU procedures.

**Q4: Must I have been a U. S. citizen while serving in the overseas area?**

**A:** No. You must, however, be a United States citizen when you apply for a Federal service job in the United States.

**Q5: Does work as a local national appropriated fund employee count toward the 52 weeks of service?**

**A:** Yes. But you must be a United States citizen when you apply for a Federal service job in the United States.

**Q6: Does work in a NAF position count toward the 52 weeks of service?**

**A:** No. NAF employment is not counted as part of the 52 weeks.

**Q7: Must I have been command sponsored when coming to the overseas area?**

**A:** No. If you meet all other requirements, it does not matter whether the Government paid to move you here with your sponsor or you paid your own way.

**Q8: Must I have been a family member during the whole time I have been in the overseas area?**

**A:** No. However, you must have been a family member during the 52 weeks of service you are claiming under EO 12721. No credit may be given for service when you were not a family member, whether it occurred before or after the 52 weeks you were a family member.

**Q9: Do I have to be a family member when I apply for a job in the United States?**

**A:** No. You must have been a family member only during the 52 weeks of service in the overseas area.

**Q10: May any part of the 52 weeks of service be waived?**

**A:** Yes, but only under the conditions described in the section above on waiver requirements.

**Q11: Do temporary jobs count toward completion of the 52 weeks of service that is required?**

**A:** Yes. You do not need to have been employed in a permanent job.

**Q12: Must the 52 weeks of service have been served without interruption and in only one job?**

**A:** No. You may have had one of several different jobs and you may have had some breaks in service. You may have had these jobs on more than 1 tour with your sponsor in the overseas area, but at least some part of the 52 weeks you are claiming must have been served on your

recent tour. The period of time when you were not working may not be counted toward completion of the 52 weeks.

**Q13: Must I have worked on a full-time work schedule?**

**A:** No. If you worked a part-time schedule, you will get the same credit as if you worked a full time schedule. If you worked an intermittent schedule, only the days you were in a pay status will be credited.

**Q14: Does service as a Family Member Youth Part-Time (FMYPT) count toward completion of the 52 weeks of service required?**

**A:** Yes. FMYPT service counts. Service as a summer hire also counts.

**Q15: Will I be limited to the types of positions for which I may apply in the United States?**

**A:** Yes and No. You may apply for any position for which personnel offices in your new area are accepting applications. You must meet the qualification requirements and you will be subject to time-in-grade restrictions as they apply to the grade you held in the overseas area. The stateside personnel office will determine how you receive referral consideration.

**Q16: Does EO 12721 guarantee me a job when I return to the United States?**

**A:** No. EO 12721 does not guarantee you a job when you return to the United States. It does, however, afford you an opportunity to apply for positions without having to apply through competitive (OPM or agency DEU) procedures. You will be applying much like you did in the overseas area. You may submit your application for any vacant position for which you qualify and you may be hired using the EO authority. However, you may also apply through OPM or DEU procedures if you wish to do so.

**Q17: If I receive a career-conditional appointment in the United States, will the time I served in the overseas area count toward completing the 3 years required to gain career tenure?**

**A:** Generally, time served in an EO appointment is not credited toward completion of the 3-years needed for career status. However, you should check with your new personnel office in the United States when you are appointed under the EO. A review of your OPF will be done to determine all creditable periods of service.

**Q18: Will I have to serve a 1-year probationary period on a new job in the United States?**

**A:** Yes. Even if you served a trial period in the overseas area, you will serve a 1-year probationary period when receiving a permanent appointment in the United States under EO 12721.

**Q19: Must I return to the United States immediately after earning 52 weeks of eligibility?**

**A:** No. You have until March 31, 1998 or 3 years from the date you return to the United States to resume residence to be appointed to Federal service using EO eligibility. You will need to provide the personnel office where you apply in the United States proof (a copy of your travel orders) of the exact date you left the overseas area and returned to the United States.

**Q20: What is an appropriated fund (AF) employee?**

**A:** An AF employee is one paid from funds appropriated by Congress. AF employees are generally designated as General Schedule or Wage Grade employees.

**Q21: What is a Nonappropriated Fund (NAF) employee?**

**A:** An employee of the Army and Air Force Exchange Service, Navy Ship's Stores Ashore, Navy Exchanges, Marine Corps Exchanges, Coast Guard Exchanges, and other instrumentalities of the United States paid by nonappropriated funds.

**Q22: What is a family member employee?**

**A:** An employed spouse or unmarried child (under 23 years old) of a sponsor who is either an AF or NAF civilian employee or a service member.

**Q23: What is a career-conditional appointment?**

**A:** An appointment given to individuals who enter Federal service through the competitive process, i.e., competition through OPM or agency DEU procedures. Individuals on career-conditional appointments must serve a probationary period and must serve 3 years of substantially continuous service to receive career status.

**Q24: What is a local hire appointment?**

**A:** An appointment made in the local area that is not actually permanent.